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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,703	12/12/2006	Masahiro Saito	81887.0145	3181

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Hogan Lovells US LLP  
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LOS ANGELES, CA 90067

EXAMINER
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DEAN, JR, JOSEPH E

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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05/13/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/577,703	<b>Applicant(s)</b> SAITO, MASAHIRO	
	<b>Examiner</b> JOSEPH DEAN, JR	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant amended claims 3 and 7.
2. Claims 1-9 are pending.

### *Response to Arguments*

3. Applicant's arguments with respect to claim 1-9 have been considered but are moot in view of the new ground(s) of rejection. The rejection of Fyfe et al. (US5428666) (hereinafter Fyfe), Raviv et al. (US20020164983) (hereinafter Raviv) and the secondary references identified in the office action, therefore claims 1-9 will remain rejected.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. The term **capable of** in claim 3 is a relative term which renders the claim indefinite. It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Therefore, it is unclear if the function is actually being performed.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Fyfe (US5428666).

Per claim 1, Fyfe discloses a mobile communication terminal comprising: a plurality of communication interfaces (abstract (**i.e. plurality of Number Assignments Modules**)); a communication interface selecting section which selects a communication interface for transmitting data from the plurality of communication interfaces (abstract,col.4 line 55-65); a terminal identification address assigning section which assigns a terminal identification address for identifying the mobile communication terminal to the data (col.4 lines 42-54); a communication interface identification address assigning section which assigns a communication interface identification address for identifying the selected communication interface to the data (col.4 lines 13-30); and a transmitting section which transmits the data being assigned with the two kinds of addresses via the selected communication interface (col.2 lines 3-22 and col.3 lines 3-23).

Per claim 6, refer to same rationale as explained in claim 1 (the Fyfe reference inherently has computer readable medium, where in Fig 1, shows a

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process, the process would be implemented by a processor that requires a "computer readable medium", e.g., a RAM, to function).

8. Claims 3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Raviv (US20020164983).

Per claim 3, Raviv discloses a mobile communication managing apparatus comprising: a mobile communication terminal side receiving section which receives data that is assigned with two kinds of addresses including a mobile communication terminal identification address for identifying a mobile communication terminal capable of having a plurality of communication interfaces and a communication interface identification address for identifying a communication interface of the mobile communication terminal (paragraph 0249 and 0250); an address storing section which stores an address table in which the mobile communication terminal identification address and the communication interface identification address that are assigned to the received data are associated with each other (paragraph 0253, 0257 and 0284); a communication apparatus side transmitting section which transmits the data received by the mobile communication terminal side receiving section to a certain destination (paragraph 0252); a communication apparatus side receiving section which receives data being assigned with a mobile communication terminal identification address (paragraph 0252, Fig 3); a communication interface detecting section which detects a communication interface identification address that corresponds to the mobile communication terminal identification address being assigned to the data received by the communication apparatus side receiving section based

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on the address table (paragraph 0254); and a mobile communication terminal side transmitting section which transmits the data received by the communication apparatus side receiving section via the detected communication interface (paragraph 0245, **i.e. data is sent through authorization server and responses sent via interface apparatus to the mobile device**).

Per claim 7, refer to same rationale as explained in claim 3 (the Raviv reference inherently has computer readable medium, where in Fig 4, shows a process, the process would be implemented by a processor that requires a "computer readable medium", e.g., a RAM, to function

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fyfe as applied to claim1 above, and further in view of Matsugatani et al. (US20020080778) (hereinafter Matsugatani).

Per claim 2, Fyfe discloses the mobile communication terminal according to claim 1, but fail to disclose further comprising: a radio wave monitoring section which monitors a status of radio wave reception at a current location, wherein the communication interface selecting section selects the communication interface in accordance with the monitored status of the radio wave reception.

However, Matsugatani discloses a radio wave monitoring section which monitors a status of radio wave reception at a current location (paragraph 0038), wherein the communication interface selecting section selects the communication interface in accordance with the monitored status of the radio wave reception (paragraphs 0040, 0044 and Fig 3, ref. 27, 28).

Therefore, one skilled in the art would have found it obvious from the combined teachings of **Fyfe**, which provides plurality of Number Assignments Modules (NAM) interfaces and **Matsugatani**, provides monitoring device for signal strength as a whole to produce the invention as claimed with a reasonable expectation of achieving and maintaining quality signal for communication.

11. Claims are 4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fyfe and further in view of Raviv.

Per claim 4, Raviv discloses a mobile communication system comprising: a mobile communication terminal including: a plurality of communication interfaces (abstract); a communication interface selecting section which selects a communication interface for transmitting data from the plurality of communication interfaces (col.4 lines 45-55); a mobile communication terminal identification address assigning section which assigns a mobile communication terminal identification address for identifying the mobile communication terminal to data (col.4 lines 42-54); a communication interface identification address assigning section which assigns a communication interface identification address for identifying the selected communication interface to the data (col.4 lines 13-30); and a transmitting section which transmits the data being assigned with the two

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kinds of addresses via the selected communication interface (col.2 lines 3-22, col.3 lines 3-23); but fail to disclose a mobile communication managing apparatus including: a mobile communication terminal side receiving section which receives the data from the mobile communication terminal; an address storing section which stores an address table in which the mobile communication terminal identification address and the communication interface identification address that are assigned to the received data are associated with each other; a communication apparatus side transmitting section which transmits the data received by the mobile communication terminal side receiving section to a certain destination; a communication apparatus side receiving section which receives data being assigned with a mobile communication terminal identification address; a communication interface detecting section which detects a communication interface identification address that corresponds to the mobile communication terminal identification address being assigned to the data received by the communication apparatus side receiving section based on the address table; and a mobile communication terminal side transmitting section which transmits the data received by the communication apparatus side receiving section via the detected communication interface.

However, Raviv discloses a mobile communication managing apparatus including: a mobile communication terminal side receiving section which receives the data from the mobile communication terminal (paragraph 0249 and 0250); an address storing section which stores an address table in which the mobile communication terminal identification address and the communication interface



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identification address that are assigned to the received data are associated with each other (paragraph 0253, 0257 and 0284); a communication apparatus side transmitting section which transmits the data received by the mobile communication terminal side receiving section to a certain destination (paragraph 0252, **i.e. certain destination is sending data to the network servers**; a communication apparatus side receiving section which receives data being assigned with a mobile communication terminal identification address (paragraph 0252); a communication interface detecting section which detects a communication interface identification address that corresponds to the mobile communication terminal identification address being assigned to the data received by the communication apparatus side receiving section based on the address table (paragraph 254); and a mobile communication terminal side transmitting section which transmits the data received by the communication apparatus side receiving section via the detected communication interface (paragraph 0245, **i.e. data is sent through authorization server and responses sent via interface apparatus to the mobile device**).

Per claim 8, refer to same rationale as explained in claim 4.

Per claim 9, refer to same rationale as explained in claim 3 (Raviv, paragraph 0249, 0250 and 0254).

12. Claim5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fyfe, Raviv, as applied to claim4 above, and further in view of Matsugatani and Urabe (US6125282).

Per claim 5, the combination disclose the mobile communication system according to claim 4, wherein Matsugatani discloses the mobile communication terminal includes a switching informing section which transmits a switch information signal to the mobile communication managing apparatus when the communication interface selecting section selects another communication interface from the plurality of communication interfaces (paragraphs 0033, 0034 0040, 0043 and 0044), the mobile communication managing apparatus includes a switching signal receiving section which receives the switch information signal (paragraph 0036); Urabe discloses the switch information signal being assigned with the mobile communication terminal identification address and a communication interface identification address corresponding to the communication interface to be newly selected (col.7 lines 53-67 col.8 lines 1-18), and the address storing section stores the address table in which the mobile communication terminal identification(i.e. **communication terminal ref.11, Fig 3**) address and the communication interface (i.e. **informational terminal ref. 21, Fig 3**) identification address that are assigned to the switch information signal are associated with each other (col.7 lines 1-15 and col.9 lines 13-47).

Therefore, one skilled in the art would have found it obvious from the combined teachings of Fyfe, Raviv, Matsugatani, **Urabe**, provides control terminal that analyzes information from many devices where identification is stored in several database as a whole to produce the invention as claimed with a reasonable expectation of achieving identifying terminal address and

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communication interface data for detecting the mobile device for effective communication.

### **Contacts**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH DEAN, JR whose telephone number is (571)270-7116. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bost Dwayne can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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